

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF PROPOSED
proposed amendment of ARM)	AMENDMENT
10.10.301C relating to)	
out-of-state attendance)	
agreements)	NO PUBLIC HEARING
		CONTEMPLATED

TO: All Concerned Persons

1. On November 22, 2004, the Superintendent of Public Instruction proposes to amend ARM 10.10.301C relating to out-of-state attendance agreements.

2. The Superintendent of Public Instruction will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Legal Division of the Office of Public Instruction no later than 5:00 p.m. on November 15, 2004 to advise us of the nature of the accommodation that you need. Please contact Beverly Marlow, P.O. Box 202501, Helena, MT 59620-2501, telephone: (406) 444-3172, FAX: (406) 444-2893, e-mail opirules@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

10.10.301C OUT-OF-STATE ATTENANCE AGREEMENTS

(1) through (4)(a) remain the same.

(b) The superintendent of public instruction shall provide payment of the amount calculated in (4)(a), but not more than the amount of tuition paid by the district for resident students who attended school out-of-state, in the year the out-of-district attendance report is submitted, provided it is submitted, by July 30 of the ~~with documentation of payment, to the superintendent of public instruction within the school year following the year of attendance~~

AUTH: Sec. 20-5-323, 20-9-102, MCA

IMP: Sec. 20-5-314, 20-5-316, 20-5-320, 20-5-321, 20-5-323, 20-5-324, MCA

Statement of Reasonable Necessity: The Superintendent of Public Instruction finds it reasonable and necessary to amend this rule because schools cannot feasibly submit the necessary

reports and claim reimbursements by the current July 30 deadline. They often do not receive invoices for payment until after July 30. The Office of Public Instruction is able to make these payments at any time during the year, so submission by July 30 need not be a prerequisite to receiving a reimbursement.

4. Concerned persons may present their data, views or arguments concerning the proposed amendment in writing to the Superintendent of Public Instruction, 1227 11th Avenue, P.O. Box 202501, Helena, MT 59620-2501 or by e-mail to opirules@state.mt.us to be received no later than 5:00 p.m. on November 18, 2004.

5. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the Superintendent of Public Instruction, 1227 11th Avenue, P.O. Box 202501, Helena, MT 59620-2501, or by e-mail to opirules@state.mt.us. The comments must be received no later than 5:00 p.m. on November 18, 2004.

6. If the Superintendent of Public Instruction receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana administrative Register. Ten percent of those persons directly affected has been determined to be 45 persons based on the 452 budgeting and fiscal districts in the State of Montana.

7. The Superintendent of Public Instruction maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the Superintendent. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rules promulgated by the Superintendent of Public Instruction. Such written request may be mailed or delivered to the Legal Division of the Office of Public Instruction, 1227 Eleventh Avenue, P.O. Box 202501, Helena, MT 59620-2501, faxed to the office at (406) 444-2893,

or may be made by completing a request form at any rules hearing held by the Superintendent of Public Instruction.

8. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Linda McCulloch
Linda McCulloch
Superintendent of Public Instruction

/s/ Catherine K. Warhank
Catherine K. Warhank
Rule Reviewer

Certified to the Secretary of State October 8, 2004.